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### III. REMARKS

#### ▪ Present Application

Claims 2-43, 49-50, and 52-60 are now pending in this application. Claims 44-48 have been canceled without prejudice. Claims 49 and 50 have been amended without prejudice. The Examiner holds the Original Claims 19-36 and 55-60 allowable. Previously amended Claims 2-18, 37-43 and 52-54 have also been allowed. No new matter has been introduced with this amendment which is supported throughout the instant Specification. Applicant respectfully asserts that all of the pending claims are patentable.

### RESPONSE TO REJECTIONS

#### 35 U.S.C. §102(e)

#### ▪ The Examiner's Position:

The Examiner has rejected claims 49-50 under 35 U.S.C. §102(e) as being anticipated by U.S. 5,937,097 to Lennon. In the Examiner's opinion, Lennon (col. 8, lines 55-67 and col. 9, lines 1-54) discloses all the limitations of the cited claims, such as the step of comparing the reference block to the incoming block to find the block difference in Lennon's search region.

#### ▪ Applicant's Response:

Applicant respectfully traverses the Examiner's 35 U.S.C. § 102(e) rejections of claims 49-50 as presently amended, in part on the basis that the reference recited does not disclose each of the elements of any of the pending claims.

In respect of amended Claim 49, Applicant respectfully finds no correspondence in the Lennon reference for a method of estimating spatial changes occurring between a first data set and a second data set comprising generating a search region about a data subset from one of the first and second data sets, applying a related data subset from the other of the first and second data sets to the same search region; and traversing incrementally the related data subset within

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the same search region to a spatial position representing a best incremental match, and of amended claim 50, further traversing fractionally the related data subset within the search region to a position representing a best fractional match. On the contrary, the Lennon reference cited by the Examiner appears to be directed to temporal domains only, while the instant fractional searches are only applied in the spatial domain.

As claim 50 depends from claim 49, it is further asserted that claim 50 is not anticipated by the Lennon reference.

Therefore, Applicant respectfully requests that such 35 U.S.C. §102(e) rejection be withdrawn, and the presently pending claims all be found allowable which favorable action is respectfully solicited.

**35 U.S.C. §103(a)**

▪ **The Examiner's Position:**

The Examiner has rejected claims 44-48 under 35 U.S.C. §103(a). The Examiner rejects each of the claims over the Lennon reference in view of U.S. 5,850,482 to Meany et al..

With regard to claim 2, the Examiner acknowledges that "wherein transforming the first and second data sets is performed utilizing a tensor product wavelet transform" is not anticipated by Lennon. The Examiner asserts, however, that a wavelet transform is well known and used in the art as evidenced in Meany. Therefore, the Examiner argues that it would have been obvious to use a tensor product wavelet transform as claimed for the wavelet transformed technique disclosed in Lennon.

The Examiner rejects claims 44-46 and 48, arguing that the claimed limitations are impliedly taught in the tensor product wavelet transform made known and used in Meany (col. 2, lines 61-64). The Examiner rejects claim 47, arguing that a wavelet transform technique may be interchanged with other techniques such as the discrete cosign transform (DCT).

▪ **Applicant's Response:**

Applicant traverses the Examiner's 35 U.S.C. § 103(a) rejections of claims 44-48 based in part on the failure of the Examiner to provide motivation for combining the references in the

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manner asserted, and because one of ordinary skill in the art at the time of the invention would not find such embodiments obvious in light of the prior art. Claims 44-48 have been canceled without disclaimer or prejudice.

Therefore, Applicant respectfully asserts that such 35 U.S.C. §103(a) rejections are now moot and should be withdrawn.

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**CONCLUDING REMARKS AND REQUESTS**

For all of the reasons set forth above, it is firmly believed that pending claims 2-43, 49-50, and 52-60 are allowable. Early notification of allowance is solicited.

Respectfully submitted,



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